

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CALLAWAY GOLF COMPANY)	
)	
Plaintiff,)	C.A. No. 06-91 (SLR)
v.)	
)	JURY TRIAL DEMANDED
ACUSHNET COMPANY,)	
)	
Defendant.)	

**ACUSHNET COMPANY'S MOTION TO EXCLUDE THE TESTIMONY AND
REPORT OF CALLAWAY'S EXPERT WITNESS GARTH L. WILKES**

Defendant Acushnet Company ("Acushnet") hereby moves to exclude the testimony and report of Callaway Golf Company's ("Callaway") expert witness Garth L. Wilkes. The grounds for this Motion are fully set forth in Acushnet's supporting Memorandum of Law filed contemporaneously herewith.

Pursuant to Local Rule 7.1.1, counsel for Acushnet contacted counsel for Callaway regarding this motion; Callaway will oppose the motion.

Respectfully submitted,

POTTER ANDERSON & CORROON LLP

OF COUNSEL:

Joseph P. Lavelle
Kenneth W. Donnelly
Brian A. Rosenthal
HOWREY LLP
1299 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Telephone (202) 783-0800

By: /s/ David E. Moore
Richard L. Horwitz (#2246)
David E. Moore (#3983)
Hercules Plaza 6th Floor
1313 N. Market Street
Wilmington, DE 19899
Tel: (302) 984-6000
rhorwitz@potteranderson.com
dmoore@potteranderson.com

Dated: September 10, 2007

*Attorneys for Defendant
Acushnet Company*

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CERTIFICATE OF SERVICE

I, David E. Moore, hereby certify that on September 10, 2007, the attached document was electronically filed with the Clerk of the Court using CM/ECF which will send notification to the registered attorney(s) of record that the document has been filed and is available for viewing and downloading.

I hereby certify that on September 10, 2007, I have Electronically Mailed the document to the following person(s):

Thomas L. Halkowski
Fish & Richardson P.C.
919 N. Market Street, Suite 1100
P. O. Box 1114
Wilmington, DE 19899-1114
halkowski@fr.com

Frank E. Scherkenbach
Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804
scherkenbach@fr.com

Robert A. Denning
David S. Shuman
Fish & Richardson P.C.
12290 El Camino Real
San Diego, CA 92130
denning@fr.com
shuman@fr.com

/s/ David E. Moore
Richard L. Horwitz
David E. Moore
Potter Anderson & Corroon LLP
Hercules Plaza – Sixth Floor
1313 North Market Street
Wilmington, DE 19899-0951
(302) 984-6000
rhowitz@potteranderson.com
dmoore@potteranderson.com

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CALLAWAY GOLF COMPANY)	
)	
Plaintiff,)	
v.)	C.A. No. 06-91 (SLR)
)	
ACUSHNET COMPANY,)	JURY TRIAL DEMANDED
)	
Defendant.)	

ORDER

Having considered ACUSHNET COMPANY'S MOTION TO EXCLUDE THE TESTIMONY AND REPORT OF CALLAWAY'S EXPERT WITNESS GARTH L. WILKES, it is hereby ORDERED this ____ day of _____, 2007 that the Motion is GRANTED.

United States District Judge